

Message Text

SECRET

PAGE 01 STATE 064280

64

ORIGIN SS-15

INFO OCT-01 ISO-00 SSO-00 /016 R

66011

DRAFTED BY: EA/TB-FJTATU:MFG

APPROVED BY: EA-RHMILLER

EA/TB-GBROBERTS

S/S-AOTTO

----- 054040

O 172051Z MAR 76

FM SECSTATE WASHDC

INFO CINCPAC IMMEDIATE

CINCPACAF IMMEDIATE

DIRNSA IMMEDIATE

JCS IMMEDIATE

13TH AF CC IMMEDIATE

13AF CU UTAPAO IMMEDIATE

COMUSMACTHAI IMMEDIATE

S E C R E T STATE 064280

EXDIS

FOLLOWING REPEAT STATE 64280 DTG 170104Z MAR 76 ACTION
AMERICAN EMBASSY BANGKOK

QTE

S E C R E T STATE 064280

EXDIS

E.O. 11652: GDS

TAGS: MILI, PFOR, TH

SUBJECT: U.S. RESIDUAL FORCES IN THAILAND

REF: A. BANGKOK 5929; B. BANGKOK 5928; C. STATE 56692;

SECRET

SECRET

PAGE 02 STATE 064280

D. BANGKOK 6023

1. DESPITE THE FIRM POSITION YOU TOOK WITH ANAN AND CHATCHAI DURING THE MARCH 15 SESSION, THEY STILL SEEM TO BE STANDING BETWEEN YOU AND KHUKRIT AND TRYING TO PLACE HIM OUT OF REACH UNTIL WHAT WILL ESSENTIALLY BE THE 11TH HOUR.

2. WE CONTINUE TO BELIEVE THAT IF KHUKRIT AND HIS POLITICAL ACUMEN WERE BROUGHT INTO THE CURRENT DIALOGUE, HE WOULD BE ABLE TO PERCEIVE THE DANGERS IN THE COURSE ANAN IS FOLLOWING AND TO INJECT MORE REASONABLENESS INTO THE DISCUSSIONS. YOU SHOULD CONTINUE, THEREFORE, TO PRESS FOR AN URGENT MEETING WITH KHUKRIT.

3. OUR AIMS AT THE MOMENT ARE NOT COMPLICATED. THE MOST IMPORTANT IS, (A), TO ACHIEVE AN UNDERSTANDING WHICH WOULD EFFECTIVELY LIFT THE MARCH 20 ULTIMATUM; SECONDLY, (B), TO ARRIVE AT A MUTUALLY ACCEPTABLE INTER-
PRETATION OF POINTS 1 AND 6 WHICH WILL RENDER THE RELA-

TION OF THE ULTIMATUM PALATABLE TO THAI ACTIVIST PUBLIC OPINION.

4. WHILE CONTINUING TO PURSUE KHUKRIT, YOU SHOULD SEEK AN EARLY MEETING WITH CHATCHAI (AND ANAN). YOU SHOULD STRESS THAT WE ARE MOST CONSCIOUS OF THE DOMESTIC POLITICAL PROBLEMS OF THE ROYAL THAI GOVERNMENT AND, PRECISELY FOR THOSE REASONS, ARE ATTEMPTING TO BE AS REASONABLE AND FLEXIBLE AS POSSIBLE GIVEN OUR OWN DOMESTIC POLITICAL CONSIDERATIONS.

5. YOU MAY SAY THAT YOU HAVE BEEN INSTRUCTED TO ACCEPT THE LANGUAGE OF THAI PRINCIPLE ONE, BUT ON CONDITION THAT THE THAI ACCEPT ONE OF OUR THREE POSSIBLE FORMULATIONS OF PRINCIPLE 6. IT MUST BE CLEARLY UNDERSTOOD THAT THESE TWO PRINCIPLES INTER-RELATE, WITH PRINCIPLE 6 CONSTITUTING A "SPECIFIC AGREEMENT" ON PRIVILEGES AND IMMUNITIES AS CONTEMPLATED BY THAI PRINCIPLE ONE. WE HOPE THAT OUR ACCEPTANCE OF THAI PRINCIPLE ONE WILL PERMIT THE RTG TO REGARD ITS
SECRET

SECRET

PAGE 03 STATE 064280

POSITION ON THAI SOVEREIGNTY AS DULY ACKNOWLEDGED. WE CANNOT, HOWEVER, DEPART FROM OUR FORMULATIONS OF PRIVILEGES AND IMMUNITIES, WHICH REPRESENT SUBSTANTIVE POLICIES ABSOLUTELY NECESSARY TO THE CONTINUED PRESENCE IN THAILAND OF OUR RESIDUAL FORCES.

6. AN AGREEMENT ON THAI PRINCIPLE 1 AND ONE OF OUR FORMULATIONS OF PRINCIPLE 6 WILL ESTABLISH THE SAME

STANDARD OF PRIVILEGES AND IMMUNITIES FOR ALL OF OUR FORCES IN THAILAND. AS WILL BE SEEN FROM PARA 8, BELOW, ALL OF OUR THREE FORMULATIONS OF PRINCIPLE 6 WILL RESULT IN SUBSTANTIVELY THE SAME PRIVILEGES AND IMMUNITIES, SINCE THE PRIVILEGES AND IMMUNITIES ACCORDED UNDER ARTICLE VII OF THE MAA (AND, BY REFERENCE TO THE MAA, UNDER THE RAMASUN, CHIANG MAI AND KHO KHA AGREEMENTS), ARE THE SAME PRIVILEGES AND IMMUNITIES ACCORDED TO EMBASSY ADMINISTRATIVE AND TECHNICAL PERSONNEL UNDER THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS. THUS, AN AGREEMENT WITH THE THAI BASED ON PRINCIPLE 1 AND ANY OF OUR FORMULATIONS OF PRINCIPLE 6 WILL BE COMPATIBLE WITH EXISTING AGREEMENTS. OF COURSE, IF THE RTG ACCEPTS ONE OF OUR FORMULATIONS OF PRINCIPLE 6 WHICH DOES NOT RPT NOT EXPLICITLY INCORPORATE THE MAA BY REFERENCE, THE MAA PROVISIONS ON PRIVILEGES AND IMMUNITIES WILL THEMSELVES BE DIRECTLY RELEVANT ONLY TO JUSMAG PERSONNEL.

7. IN RESPONSE TO REF D. THE PHRASE "PRIVILEGES AND IMMUNITIES WHICH ARE CUSTOMARILY ACCORDED UNDER INTERNATIONAL LAW TO THE TECHNICAL AND ADMINISTRATIVE PERSONNEL OF FOREIGN EMBASSIES" IS INTENDED TO INCORPORATE BY REFERENCE THE STANDARDS OF THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS. WE REALIZE THAT THE RTG HAS SIGNED BUT NOT RATIFIED THIS CONVENTION, BUT WE REGARD THE CONVENTION'S STANDARDS AS GENERALLY CODIFYING PRE-EXISTING NORMS AND RULES OF CUSTOMARY INTERNATIONAL LAW. "ADMINISTRATIVE AND TECHNICAL STAFF" IS A SECONDARY CATEGORY OF PERSONNEL UNDER THE CONVENTION (ARTICLE I(F)), WHICH RECEIVES LESS EXTENSIVE PRIVILEGES AND IMMUNITIES THAN ACTUAL "DIPLOMATIC AGENTS." ARTICLE 37(A) PROVIDES, IN EFFECT, THAT ADMINISTRATIVE
SECRET

SECRET

PAGE 04 STATE 064280

AND TECHNICAL PERSONNEL ARE FULLY IMMUNE FROM THE CRIMINAL JURISDICTION OF THE RECEIVING STATE AND ARE IMMUNE FROM THE CIVIL JURISDICTION WITH RESPECT TO THEIR OFFICIAL ACTS. WE REALIZE THAT THIS GOES FARTHER THAN STANDARD SOFA JURISDICTIONAL IMMUNITIES AND FARTHER THAN THE RTG WOULD PROBABLY WISH. WE DO NOT SEE, HOWEVER, ANY OTHER READILY INCORPORATED STANDARD WHICH COULD OBTAIN THE NEED FOR NEGOTIATING A FULL SOFA, OR WHICH COULD SERVE IN THE INTERIM UNTIL A SOFA IS NEGOTIATED, AND WHICH WOULD MEET OUR MINIMUM REQUIREMENTS ON PRIVILEGES AND IMMUNITIES.

8. IF WE CAN GET AGREEMENT ON ACCEPTING THAI FORMULATION OF PRINCIPLE ONE AND A USG FORMULATION OF PRINCIPLE SIX YOU SHOULD STATE THAT WE WOULD BE PREPARED TO

CONTINUE TO DISCUSS THE REST WITH A VIEW TO REACHING AGREEMENT.

9. IF CHATCHAI OR ANAN CANNOT AGREE TO OUR CONCESSIONS ON PRINCIPLE 1 WHILE RECIPROCATING BY ACCEPTING OUR PRINCIPLE 6, YOU SHOULD STATE THAT YOU MUST SEEK FURTHER INSTRUCTIONS AND IN ANY CASE MUST INSIST ON SEEKING AN IMMEDIATE MEETING WITH KHUKRIT.

10. FYI: WE WOULD LIKE YOUR PROMPT ASSESSMENT OF THE LIKELY THAI REACTION IF YOU WERE TO STATE THAT SHOULD U.S. RESIDUAL FORCES BE CONSTRAINED TO DEPART AS A RESULT OF THE INABILITY OF THE TWO SIDES TO REACH AGREEMENT ON THE PRINCIPLES BY MARCH 20, IT WILL BE NECESSARY FOR US ALSO TO WITHDRAW THE JUSMAG. WITH THE JUSMAG ALSO WILL NECESSARILY GO OUR ABILITY TO ADMINISTER A MAP PROGRAM. END FYI. KISSINGER UNQUOTE KISSINGER

SECRET

NNN

Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TROOP DEPLOYMENT, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 17 MAR 1976
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: saccheem
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE064280
Document Source: CORE
Document Unique ID: 00
Drafter: FJTATU:MFG
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760101-0297
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760351/aaaabskq.tel
Line Count: 186
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN SS
Original Classification: SECRET
Original Handling Restrictions: EXDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: SECRET
Previous Handling Restrictions: EXDIS
Reference: 76 BANGKOK 5929, 76 BANGKOK 5928, 76 STATE 56692
Review Action: RELEASED, APPROVED
Review Authority: saccheem
Review Comment: n/a
Review Content Flags:
Review Date: 04 FEB 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <04 FEB 2004 by morefirh>; APPROVED <05 AUG 2004 by saccheem>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: U.S. RESIDUAL FORCES IN THAILAND
TAGS: MILI, PFOR, TH, US
To: CINCPAC MULTIPLE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006